



Wisconsin State Legislature

October 16, 2007

Assembly Committee on Criminal Justice Testimony for AB 397 from State Senator Luther Olsen

Good morning, Chairman Kleefisch and committee members. I appreciate your willingness to hold a hearing on Assembly Bill 397.

I introduced this bill on behalf of my constituent, Shirley George, whose grandson was tragically killed 7 years ago. Four individuals were charged in her grandson's death, one with reckless homicide, and the other three for harboring and aiding a felon. After hearing Shirley's story I felt it was necessary to make some changes to strengthen Wisconsin's law concerning harboring or aiding a felon.

Current law prohibits an individual from harboring or aiding a felon with the intent to prevent the felon from being apprehended, convicted or sentenced by law enforcement.

An individual who violates this law may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and a half years or both. And as is the case with most crimes, the court may place the person on probation instead of sending the person to prison or jail.

I believe that anyone who aids a felon in the most serious of crimes should face stronger penalties than we currently have in Wisconsin so Assembly Bill 397 would make three changes to current law:

- First, it increases the maximum term for imprisonment from three years to ten years if the felon being assisted commits a class A, B, C, or D felony.
- Second, it increases the maximum fine from \$10,000 to \$25,000 if the felon being assisted commits a class A, B, C, or D felony.
- Lastly, any person who is convicted of harboring or aiding a felon would be sentenced to a term of imprisonment AND assessed a fine. The court may not place the person on probation, some amount of jail time would be mandatory.

Once again, thank you for the opportunity to testify on Assembly Bill 397. I am happy to answer any questions the committee may have.

Joey's Law

Good morning

Mr. Chairman and Distinguished Committee Members

I thank you for allowing me to speak here today.

My name is Shirley George, and I'm here for two reasons.

First what eventually brought me here today, before you, is the senseless murder of my grandson Joey George, in the prime of his life, and the lenient penalties the 5 participants of his death received.

Second, I'm here today to encourage the amending of the Penalty Phase, of ...Bill number ~~SB-196~~ ^{AB 397}. This bill relates to providing appropriate penalties to ALL participants while aiding and abetting in a felony.

A little background on Joey,..

Joey was born with Cerebral Palsy. He didn't walk until he was 3 years old. As he matured, Joey learned to run. As awkward as his running looked, it was effective. He even earned a place on the freshman basketball team in high school due to his strong perseverance and his family's help. Joey conquered many obstacles and achieved much in his short life of 21 yrs.

I was devastated when Joey was murdered, and with thoughts of all the inequities that occurred before, during and after the trial it ate away at me. It ate so hard that I started to research just how to amend a law

I knew that the newspaper and television hype would die down eventually, but for me,... I couldn't let it die down. I couldn't let

it go away. I talked to District Attorney's, Police Chiefs, and several legislators, and it was mutually agreed that enhancement of "Aiding a felon in a homicide case"..... Is a change that's been long overdue?

Obviously, we know there was only one shooter. However, all of the perpetrators, who were in the vehicle, were very aware that there was going to be trouble.

Because....

Inside the vehicle, with them, were two guns,
Two baseball bats,
Brass knuckles,
Sawed-off pool ques,

And knowing this, anyone of them could have walked away at any time. They all chose not to walk away.

And one of the perpetrators owned the get-away car.

They all aided the shooter by emptying the gun and throwing the bullets out of the car..

They again aided the shooter by hiding the gun in a shed at the home of one of them.

Another aided in covering up the shooter with his jacket to disguise his identity.

One ran to his home to hide from the police for 3 days. We all knew that he didn't live alone, and that someone was covering up for him every time the police came to his house to investigate, he showed up with an attorney and worked out a plea agreement. He

got off....."Scott Free"

"The Penalty Phase" of this amendment of "Aiding a Felon" should and must be made well known to the public.

Why make it well known to the public??

Because it just might make a lot of people think twice about the hard consequences of participating in an unlawful act.

At least if the penalty phase of this law had been in effect, the participating perpetrators who aided and harbored the killer of Joey, would have gotten longer sentences.

Since our case, there have been more. Several occurred in Milwaukee County, and The latest occurred in Winnebago County where a young man helped another person hide the body of a woman that was killed , into the trunk of a car.

Also the latest case that occurred in Florida, where a 9 yr. Old girl was buried alive. Perhaps, just perhaps, if the friends had some knowledge ...and a greater fear....of aiding a felon, maybe they would have admitted to the police as to the where-a-bouts of the perpetrator,...and the young girl might have been found alive.

I've had a lot of support and a lot of stumbling blocks and I know it doesn't affect our case, but at least, this inequity should never again happen to another family.

It's now been proven that when the public hears about "Adams Law" or "Jessica's Law" or "Amber Alert" it automatically makes a statement to everyone,as to the exact nature of the offence.

After the passage of this law, it would of great advantage...to having this bill involve the press and other media...so as to alert the public that this "new law" now has a greater penalty for "Aiding and Abetting A Felon."

We all know that this law is numbered SB 196 and that it is an enhancement of the Penalty Phase only.

We also all know that laws with numbers tend to go unnoticed by the general public. So.....

I would like to suggest,... that if this bill is believed to make a positive impact on crime , it should be named..." Joey's Law"

I have one short footnote; What great timing for this law, right on the tails of the infamous " Jessica's Law" conviction in Florida, amidst all the outcries for the lack of any penalties for the 3 participants who aided and abetted the killer.

And, what a great opportunity we here in Wisconsin, have to show the rest of the country that there's some teeth in our "aiding and abetting in a homicide case."

Thank you for this opportunity to be heard.

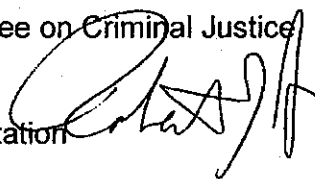


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DATE: October 15, 2007

TO: Members of the Assembly Committee on Criminal Justice

FROM: Robert Jambois, General Counsel
Wisconsin Department of Transportation 

SUBJECT: AB 397 - Relating to aiding a felon and providing penalties

I regret that I have a scheduling conflict which prevents me from attending the Assembly Committee on Criminal Justice hearing regarding AB 397. I write in support of this legislation.

As you may know some years ago, when I was serving as the Kenosha County District Attorney, I was appointed as a Special Prosecutor in Milwaukee County to prosecute some of the co-actors in the murder of Joseph George. Each of the co-actors was charged with, among other things, Aiding a Felon contrary to section 946.47 (2) Wis. Stats. At that time, I was struck by the apparent inadequacy of the penalty structure for that offense. A person who aided the forger of a \$50 check was facing the same penalty as the person who aided a murderer or child molester.

I believe that AB 397 will allow the criminal justice system to mete out sentences which are more commensurate with the seriousness of aiding felons who have committed particularly violent offenses. I appreciate this opportunity to be heard in support of this important legislation.